01	FILED ENTERED LODGED RECEIVED
02	JUL 25 2012
03	AT SEATTLE COURT
04	WESTERN DISTRICT OF WASHINGTON DEPUTY
05	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON
06	AT SEATTLE
07	UNITED STATES OF AMERICA,) CASE NO. MJ 12 - 392
08	Plaintiff,)
09	v.) DETENTION ORDER
10	GUMERCINDO GUZMAN-TORRES,)
11	Defendant.
12)
13	Offenses charged:
14	Count 1 – Conspiracy to Distribute Heroin (100+ gr.) and Methamphetamine (50+ gr.)
15	Count 5 – Possession of Methamphetamine with Intent to Distribute
	Count 9 – Illegal Alien in Possession of Firearm
	Count 9 - Inegai Anen in i ossession of i nearm
17	
18	<u>Date of Detention Hearing</u> : July 25, 2012.
19	The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
20	based upon the factual findings and statement of reasons for detention hereafter set forth,
21	finds that no condition or combination of conditions which defendant can meet will
22	reasonably assure the appearance of defendant as required and the safety of other persons and
	DETENTION ORDER PAGE -1

the community.

01

02

03

04

05

06

07

08

09

10

11

12

13

14

15

16

17

18

19

20

21

22

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 1. Defendant is a citizen of Mexico, and is present in this country illegally, according to records of the U.S. Marshal and the Bureau of Immigration and Customs Enforcement.
- 2. There is an immigration detainer pending against defendant. The issue of his release on this charge is therefore essentially moot.
- 3. Upon advice of counsel, defendant declined to be interviewed by this court's pretrial services officer. The court therefore has very limited additional information about defendant.
- 4. Defendant and his counsel offered no evidence, proffer or argument to contest the entry of an order of detention.
- 5. There does not appear to be any condition or combination of conditions that will reasonably assure the defendant's appearance at future Court hearings while addressing the danger to other persons or the community.

It is therefore ORDERED:

- 1. Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;

DETENTION ORDER PAGE -2

01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22

- 3. On order of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United State Pretrial Services Officer.

DATED this 25 day of July, 2012.

John L. Weinberg

United States Magistrate Judge